

Rule Proposal Notice



DEPARTMENT OF
ECOLOGY
State of Washington

Spills Program

August 2012

Preassessment Screening and Oil Spill Compensation Schedule Regulations

The Department of Ecology proposes to adopt amendments to, Chapter 173-183 WAC, Preassessment Screening and Oil Spill Compensation Schedule Regulations. The rule proposal will be published in the Washington State Register on September 5, 2012.

This rule making will amend rule to:

- Update the monetary amount of compensation that can be calculated for spills of 1,000 gallons or greater in volume. This will change the current range of \$1 to \$100 to a new range of \$3 to \$300 per gallon spilled.
- Amend the mathematical formula multipliers contained in WAC 173-183 sections 830, 840, 850, and 860, to reflect the above update.
- Define persistent oil, non-persistent oil, non-petroleum oil, recovered oil, and shoreline for the purposes of this rule.
- Codify the method to provide credit back to a spiller for their early on-water recovery actions by moving the Resource Damage Assessment Committee Resolution 96-1.1 from guidance into rule (24 hour recovery credit for non-persistent oils) and replacing the existing language in WAC 173-183-870.
- Develop the method to provide credit back to a spiller for their early on-water recovery actions by now allowing for a 48 hour recovery credit for persistent oils.

Ecology issued a:

- Determination of Nonsignificance (DNS) under the State Environmental Policy Act.
- Small Business Economic Impact Statement (SBEIS).
- Preliminary Cost-Benefit and Least Burdensome Alternative Analyses.

These documents and the proposed rule language are available for review at:

<http://www.ecy.wa.gov/programs/spills/rules/1105.html>

Submit your comments

Comment period ends October 4, 2012.

You can give us your official comments in the following ways:

1. Testify or submit written comments at public hearings.
2. Email your comments to: spillsrulemaking@ecy.wa.gov
3. FAX: 360-407-7288

Public hearing schedule

FIRST HEARING:

September 25, 2012

Holiday Inn Express
Skykomish Room
8606 - 36 Avenue NE
Marysville, WA 98270

Time: 3:00 PM

Presentation, question and answer session and formal public hearing.

This hearing is also available via webinar:

http://www.ecy.wa.gov/programs/spills/community_outreach/sppr_webinar.html

SECOND HEARING:

September 26, 2012

Columbia Basin College
Building B, Room B116
2600 North 20 Avenue
Pasco, WA 99301

Presentation on the Rule Updates 6:00 PM, followed by public comment period.

Contact information:

Rebecca Post
360-407-7114
Rebecca.Post@ecy.wa.gov

Special accommodations:

If you need this document in a format for the visually impaired, call the Spills Program at 360-407-7455.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

4. Testify via webinar at the public hearing in Marysville:
http://www.ecy.wa.gov/programs/spills/community_outreach/sppr_webinar.html
5. Mail comments to:
Department of Ecology
Rebecca Post
PO Box 47600
Olympia, WA 98504-7600

How to comment by webinar during the September 25 Marysville hearing.

Webinar: Ecology is also offering this presentation, question and answer session and formal public hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access. To participant by phone, you will need to have a phone or computer with phone modem capability. For more information and instructions, go to http://www.ecy.wa.gov/programs/spills/community_outreach/sppr_webinar.html.

Comments: Ecology will accept formal comments at the Marysville location and through the webinar audio portion by calling 800-704-9804 / participant code (88955236#). For more information and instructions, go to http://www.ecy.wa.gov/programs/spills/community_outreach/sppr_webinar.html.

To join the webinar click on the following link for more information and instructions:
http://www.ecy.wa.gov/programs/spills/community_outreach/sppr_webinar.html

Ecology's response to your comments

All of the comments we receive will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. You will find your name listed in the document with a reference to where, in the document, Ecology responded to your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than December 14, 2012.

More information

Information about the Ecology spills program can be found at <http://www.ecy.wa.gov/programs/spills/spills.html>.

The Ecology spills program listserve is used to update interested parties on the rule update effort and the rule implementation. To register as an interested party with the spills program and receive information on rule adoption, implementation, and public comment and review periods please join our listserve at <http://listserv.wa.gov/cgi-bin/wa?A0=SPILLS-PROGRAM>.

